

SENATE BILL 442

By Burchett

AN ACT to amend Tennessee Code Annotated, Title 53  
and Title 63, relative to prescription drugs for  
epilepsy patients.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 10, Part 2, is amended by  
adding the following as a new section:

63-10-214.

(a) As used in this section:

(1) "Anti-epileptic drug" means:

(A) Any drug prescribed for the treatment of epilepsy; or

(B) A drug used to treat or prevent seizures.

(2) "Epilepsy" means a neurological condition characterized by  
recurrent seizures.

(3) "Seizure" means a brief disturbance in the electrical activity of  
the brain.

(4) "Interchange" means the substitution of one (1) version of an  
anti-epileptic therapeutic product for the anti-epileptic product originally  
prescribed, including substitution of a generic version for the prescribed  
brand, a brand version for the prescribed generic version, a generic  
version by one (1) manufacturer for a generic version by a different  
manufacturer, or a different formulation of the prescribed anti-epileptic  
drug or a different anti-epileptic therapeutic drug product for the anti-  
epileptic product originally prescribed.

(b) A pharmacist may not interchange an anti-epileptic drug or formulation of an anti-epileptic drug, brand or generic, for the treatment of epilepsy without prior notification of and the signed informed consent of such interchange from the prescribing physician and patient, or patient's parent, legal guardian or spouse of such person.

SECTION 2. Tennessee Code Annotated, Section 53-10-204(a), is amended by deleting the word "or" at the end of subdivision (1); by deleting the period at the end of subdivision (2) and substituting instead a semi-colon and the word "or"; and by adding the following language as a new subdivision to be designated as follows:

(3) The provisions of Section 63-10-214 concerning informed consent have not been complied with in instances involving an anti-epileptic drug.

SECTION 3. The general assembly hereby finds, determines and declares this act is necessary for the immediate preservation of the public peace, health and safety.

SECTION 4. This act shall take effect July 1, 2007, the public welfare requiring it.